

EMERGENCY

City of Cincinnati

PDB/B *gon/cuz*

An Ordinance No. 361

- 2014

DECLARING improvements to certain real property located on Central Avenue, Seventh Street, Ninth Street and John Street in Cincinnati to be a public purpose and exempt from real property taxation for a period of time.

WHEREAS, pursuant to Article XVIII, Section 3 of the Ohio Constitution and the Charter and ordinances of the City of Cincinnati, Ohio, the City has undertaken a program of redevelopment, and the City has approved the Urban Renewal Plan for the Central Business District Core Project by Ordinance No. 252-1962 passed on June 27, 1962, as amended by subsequent ordinances; and

WHEREAS, City Council has, by Ordinance No. 296-1982 passed on July 8, 1982, approved and adopted the Cincinnati 2000 Plan as the modified Urban Renewal Plan for the Central Business District Core Project (Ohio R-55); and

WHEREAS, City Council has approved and adopted amendments to the Cincinnati 2000 Plan by Ordinance No. 558-1983 passed on December 7, 1983; Ordinance No. 511-1984 passed on November 21, 1984; Ordinance No. 41-1987 passed on January 28, 1987; Ordinance No. 22-1997 passed on January 29, 1997; Ordinance No. 341-1997 passed on October 1, 1997; Ordinance No. 129-1999 passed on April 14, 1999; Ordinance No. 323-1999 passed on August 4, 1999; Ordinance No. 138-2000 passed on April 26, 2000; Ordinance No. 146-2000 passed on April 26, 2000; and Ordinance No. 412-2001 passed on December 19, 2001 (the Cincinnati 2000 Plan, as so amended, being referred to herein as the "Urban Renewal Plan"); and

WHEREAS, Sections 5709.40, et seq. of the Ohio Revised Code ("ORC") provide that, in furtherance of the City's redevelopment activities: (i) this Council, by ordinance, may declare improvements to certain parcels of real property in the City to be a public purpose and thereby authorize the exemption of such improvements from real property taxation for a period of time; (ii) such ordinance shall designate the specific public infrastructure improvements made, or to be made, or in the process of being made by the City that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose; (iii) the City may require the owner of any structure located on any such parcel to make annual service payments in lieu of real property taxes; and (iv) the City shall establish a municipal public improvement tax increment equivalent fund, and one or more separate accounts within that fund, for the deposit of those service payments; and

WHEREAS, City Council wishes to use the authority granted pursuant to such sections of the ORC in order to encourage the development of certain properties on Central Avenue, Seventh Street, Ninth Street and John Street as identified on Exhibits A and B to this ordinance (the "Property"); and

WHEREAS, the Board of Education of the City School District of the City of Cincinnati (the "School Board"), by an Agreement between the City and the School Board dated July 2, 1999, as amended on December 18, 2002, has approved real property tax exemptions of up to 100% of the assessed valuation of improvements for periods of up to 30 years and has waived statutory notification requirements for such exemptions; and

WHEREAS, the City has determined that it is necessary and appropriate, in the best interests of carrying out the Urban Renewal Plan in furtherance of its redevelopment activities, and in the best interest of the City: (i) to provide for exemption of improvements to the Property from real property taxation under ORC Section 5709.40, et. seq., and (ii) to require the owners of the Property to make service payments in lieu of real property taxes under ORC Section 5709.42 (the "Service Payments"); and

WHEREAS, the City intends to use the Service Payments to pay for public roads, sidewalks and other streetscape improvements, parking facilities, utility work, environmental remediation and demolition, all in the vicinity of, and which will directly benefit, the Property; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, pursuant to Section 5709.40(B) of the Ohio Revised Code ("ORC"), this Council hereby creates the "Centennial TIF," the boundaries of which are set forth on Exhibit A (*Centennial Legal Descriptions*) and depicted on Exhibit B (*Centennial Parcel Map*) hereto (the "Property"), which Property is located in the incorporated area of the City.

Section 2. That, pursuant to ORC Section 5709.40(B), this Council hereby declares 100% of the improvements to the Property to be a public purpose and exempt from real property taxation for the period of time set forth in Section 3 hereof.

Section 3. That the real property tax exemption created under Section 2 hereof shall commence, as to each parcel, on January 1, 2015 and shall end 30 years after such date.

Section 4. That, pursuant to ORC Section 5709(B), this Council hereby determines that the construction of public roads and roadway improvements, sidewalks and other streetscape improvements, parking facilities, utility improvements, environmental remediation and demolition work to be undertaken by the City in the vicinity of the Property will directly benefit the Property and are necessary for the further development of the Property and for the creation of

jobs, increasing property values, providing adequate public services and to preserve the health, safety and welfare of the current citizens of the City, and that the same constitute “public infrastructure improvements” for purposes of ORC Section 5709.40(B), and pursuant to the Administration’s Tax Increment Financing Policy approved and filed by Council on August 1, 2007, applicable community councils and business district associations shall have an opportunity to review and/or comment on any such public infrastructure improvements within 30 days of being presented with such improvements.

Section 5. That, pursuant to ORC Section 5709.42, the owners of the Property shall be required to make annual service payments in lieu of taxes to the Hamilton County, Ohio Treasurer on or before the final dates for payment of real property taxes. This Council hereby expresses its intention to enter into such agreements as may be necessary and appropriate to assure payment of such service payments in lieu of taxes.

Section 6. That the City Manager is hereby authorized to enter into such agreements, including without limitation service agreements and construction agreements, and any amendments thereto, as may be necessary or appropriate to effectuate the terms of this ordinance.

Section 7. That all payments received by the City pursuant to this ordinance be deposited into a municipal public improvement tax increment equivalent fund established by the City and used as provided in ORC Section 5709.43, including for making payments to the City School District of the City of Cincinnati under the Agreement dated July 2, 1999, as amended.

Section 8. That the proper City officials are hereby authorized to do all things necessary and proper to carry out Sections 1 through 7 above and Section 9 below, including, but not limited to, filing any required applications for tax exemption with the Hamilton County Auditor and State Tax Commissioner.

Section 9. That, pursuant to ORC Section 5709.40(I), the Clerk is hereby directed to deliver a copy of this ordinance to the Director of the Ohio Development Services Agency and the Hamilton County, Ohio Auditor within 15 days after its adoption, and, on or before March 31 of each year that the exemption set forth herein remains in effect, the Clerk or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under ORC Section 5709.40(I).

Section 10. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements, including ORC Section 121.22.

Section 11. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the exemption granted herein to commence on January 1, 2015.

Passed: December 17, 2014

Attest: [Signature]
Clerk

[Signature]
Mayor

BEFORE ME, THE CLERK OF COUNCIL, THAT ORDINANCE No. 361-2014
WAS PASSED IN THE CITY BULLETIN
AND IS IN ACCORD WITH THE CHARTER ON 12-30-2014
[Signature]
CLERK OF COUNCIL